LIBRARY
SUPREME COURT, U. S.
APR 29 197
MICHAEL RODAK, JR.,

IN THE

Supreme Court of the United States

OCTOBER TERM, 1973

No. 73-1145

TECHNICAL DEVELOPMENT CORPORATION and
FRANKLIN F. OFFNER, *Petitioners*

v.

UNITED STATES

REPLY BRIEF FOR PETITIONERS

J. PRESTON SWECKER
ROBERT S. SWECKER
815 Connecticut Avenue
Washington, D.C. 20006
Attorneys for Petitioners

Of Counsel:

EUGENE J. ROBERTS
Washington, D.C.

IRVING HOFFMAN
Chicago, Illinois

PRESS OF BYRON S. ADAMS PRINTING, INC., WASHINGTON, D. C.

IN THE

Supreme Court of the United States

OCTOBER TERM, 1973

No. 73-1145

TECHNICAL DEVELOPMENT CORPORATION and
FRANKLIN F. OFFNER, *Petitioners*

v.

UNITED STATES

REPLY BRIEF FOR PETITIONERS

It is desired to correct a misstatement which appears in the Brief for the United States. It is asserted in the Respondent's Brief (page 9) that Petitioners do not dispute the facts set forth in Finding 64 of the Court of Claims or the finding that Offner was a joint venturer with Thompson Products. Petitioners do dispute these statements.

The Petitioners have repeatedly attempted to prove these statements to be erroneous. Such an issue was not raised until briefs were filed after the close of

proofs. Petitioners sought to have the trial reopened so that crucial evidence on these issues could be introduced. This was refused by the Court of Claims, which refusal is one of the issues presented in the Petition here.

The failure of the Commissioner to follow the rules of the Court of Claims as to the formulation of issues to be tried has resulted in a serious injustice to Petitioners by depriving them of the opportunity to present evidence including testimony on the deciding factors of the case.

Respectfully submitted,

J. PRESTON SWECKER
ROBERT S. SWECKER
815 Connecticut Avenue
Washington, D.C. 20006

Attorneys for Petitioners

Of Counsel:

EUGENE J. ROBERTS
Washington, D.C.

IRVING HOFFMAN
Chicago, Illinois